

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

FEB 01 2010

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0661-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
4544-051675First named inventor: Ganga Rai et al.Application No.: 10/536,533Art Unit: 1645Filed: 09/03/2003Examiner: Jana A. HinesTitle: Process for Preparation of an Agglutination Reagent for Rapid Detection of Typhoid

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity-fee \$ 1,620.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in
the form of RCE and copy of Amendment (11/23/09) (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



 Signature
 William H. Logsdon

 Type or Printed name
 The Webb Law Firm, 700 Koppers Building

 Address
 Pittsburgh, PA 15219

 Address

February 1, 2010

Date

22,132

Registration Number, If applicable
412-471-8815

Telephone Number

- Enclosures:
- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: RCE

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

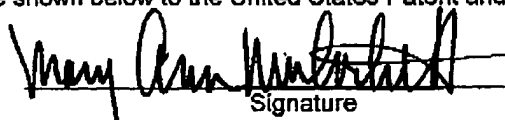
I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

February 1, 2010

Date



 Signature

Mary Ann Mulvihill

Typed or printed name of person signing certificate

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FEB 01 2010

Application No. 10/536,533
Paper Dated: February 1, 2010
In Reply to USPTO Correspondence of January 11, 2010
Attorney Docket No. 4544-051675

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/536,533 Confirmation No. : 7482
Applicants : Ganga Rai et al.
Filed : September 3, 2003
Title : PROCESS FOR PREPARATION OF AN AGGLUTINATION
REAGENT FOR RAPID DETECTION OF TYPHOID
Group Art Unit : 1645
Examiner : Jana A. Hines
Customer No. : 28289

MAIL STOP: PETITION

Commissioner for Patents
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Alexandria, VA 22313-1450

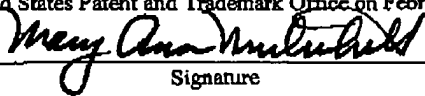
PETITION TO REVIVE PURSUANT TO 37 C.F.R. § 1.137(b)

Sir:

Applicants hereby submit this Petition to Revive in connection with the above-captioned patent application. The entire delay in filing the required documents to prevent the abandonment of the application until the filing of this grantable Petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

Concurrently with this Petition, Applicants submit:

- (1) a Request for Continued Examination ("RCE"); and
- (2) a copy of the Amendment filed on November 23, 2009.

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on February 1, 2010.	
02/01/2010	
Date	Signature
Mary Ann Mulvihill	
(Name of Person Submitting Paper)	

Application No. 10/536,533
Paper Dated: February 1, 2010
In Reply to USPTO Correspondence of January 11, 2010
Attorney Docket No. 4544-051675

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STATEMENT

Applicants respectfully submit that the entire delay in filing the required documents to prevent the abandonment of the application until the filing of this grantable Petition under 37 C.F.R. § 1.137(b) was unintentional and request the revival of the application for unintentional abandonment. The Amendment filed on November 23, 2009 was inadvertently filed without a Request for Continued Examination ("RCE").

REQUEST FOR CONTINUED EXAMINATION

Pursuant to 37 C.F.R. § 1.114, Applicants request that the Examiner consider the Amendment dated November 23, 2009, as a submission with respect to the filing of the concurrently submitted RCE together with the government fee of \$810.00 in accordance with 37 C.F.R. § 1.17(e).

CONCLUSION

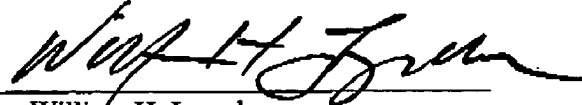
Applicants respectfully request that this Petition be granted for unintentional abandonment and that thereafter, prosecution of the application continue based upon the amendments and arguments set forth in the concurrently submitted Amendment.

The Commissioner for Patents is hereby authorized to charge the fees associated with the Petition and RCE and any additional fees to Deposit Account No. 23-0650. Similarly, Applicants respectfully request any overpayment to be credited to the aforementioned deposit account. A favorable decision is respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By



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